

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1958

Introduced by Assembly Member Wood

February 12, 2016

An act to amend Sections 4584 and 4621 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1958, as amended, Wood. Forestry: timberlands: restoration and conservation forest management activities.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities.

This bill would also, until 7 years after the effective date of regulations adopted by the board implementing the provisions of the bill, authorize the board to exempt a person cutting or removing trees in specified areas, including through commercial harvest, to restore and conserve California black or Oregon white oak woodlands and associated grasslands, as specified. *The bill would require the department to evaluate the effects of this authorization and make recommendations based on that evaluation to the Legislature.*

Existing law also requires a person who owns timberlands that are to be devoted to uses other than the growing of timber to file an application for conversion with the board and requires the board to establish a system of graduated timberland conversion permit fees.

This bill would define “growing of timber,” for these purposes, to include restoration and conservation forest management activities, which may include the removal of commercial species, if necessary to achieve specific forest health and ecological goals, that are not conducted in conjunction with the cutting or removal of trees or other forest products during the conversion of timberlands to other uses.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4584 of the Public Resources Code is
2 amended to read:
3 4584. Upon determining that the exemption is consistent with
4 the purposes of this chapter, the board may exempt from this
5 chapter, or portions of this chapter, a person engaged in forest
6 management whose activities are limited to any of the following:
7 (a) The cutting or removal of trees for the purpose of
8 constructing or maintaining a right-of-way for utility lines.
9 (b) The planting, growing, nurturing, shaping, shearing, removal,
10 or harvest of immature trees for Christmas trees or other ornamental
11 purposes or minor forest products, including fuelwood.
12 (c) The cutting or removal of dead, dying, or diseased trees of
13 any size.
14 (d) Site preparation.
15 (e) Maintenance of drainage facilities and soil stabilization
16 treatments.
17 (f) Timber operations on land managed by the Department of
18 Parks and Recreation.
19 (g) (1) The one-time conversion of less than three acres to a
20 nontimber use. A person, whether acting as an individual, as a
21 member of a partnership, or as an officer or employee of a
22 corporation or other legal entity, shall not obtain more than one
23 exemption pursuant to this subdivision in a five-year period. If a
24 partnership has as a member, or if a corporation or other legal
25 entity has as an officer or employee, a person who has received

1 this exemption within the past five years, whether as an individual,
2 as a member of a partnership, or as an officer or employee of a
3 corporation or other legal entity, then that partnership, corporation,
4 or other legal entity is not eligible for this exemption. "Person,"
5 for purposes of this subdivision, means an individual, partnership,
6 corporation, or other legal entity.

7 (2) (A) Notwithstanding Section 4554.5, the board shall adopt
8 regulations that do all of the following:

9 (i) Identify the required documentation of a bona fide intent to
10 complete the conversion that an applicant will need to submit in
11 order to be eligible for the exemption in paragraph (1).

12 (ii) Authorize the department to inspect the sites approved in
13 conversion applications that have been approved on or after January
14 1, 2002, in order to determine that the conversion was completed
15 within the two-year period described in subparagraph (B) of
16 paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of
17 the California Code of Regulations.

18 (iii) Require the exemption pursuant to this subdivision to expire
19 if there is a change in timberland ownership. The person who
20 originally submitted an application for an exemption pursuant to
21 this subdivision shall notify the department of a change in
22 timberland ownership on or before five calendar days after a change
23 in ownership.

24 (iv) The board may adopt regulations allowing a waiver of the
25 five-year limitation described in paragraph (1) upon finding that
26 the imposition of the five-year limitation would impose an undue
27 hardship on the applicant for the exemption. The board may adopt
28 a process for an appeal of a denial of a waiver.

29 (B) The application form for the exemption pursuant to
30 paragraph (1) shall prominently advise the public that a violation
31 of the conversion exemption, including a conversion applied for
32 in the name of someone other than the person or entity
33 implementing the conversion in bona fide good faith, is a violation
34 of this chapter and penalties may accrue up to ten thousand dollars
35 (\$10,000) for each violation pursuant to Article 8 (commencing
36 with Section 4601).

37 (h) An easement granted by a right-of-way construction
38 agreement administered by the federal government if timber sales
39 and operations within or affecting the area are reviewed and

1 conducted pursuant to the National Environmental Policy Act of
2 1969 (42 U.S.C. Sec. 4321 et seq.).

3 (i) (1) The cutting or removal of trees in compliance with
4 Sections 4290 and 4291 that eliminates the vertical continuity of
5 vegetative fuels and the horizontal continuity of tree crowns for
6 the purpose of reducing flammable materials and maintaining a
7 fuel break for a distance of not more than 150 feet on each side
8 from an approved and legally permitted structure that complies
9 with the California Building Standards Code, when that cutting or
10 removal is conducted in compliance with this subdivision. For
11 purposes of this subdivision, an “approved and legally permitted
12 structure” includes only structures that are designed for human
13 occupancy and garages, barns, stables, and structures used to
14 enclose fuel tanks.

15 (2) (A) The cutting or removal of trees pursuant to this
16 subdivision is limited to cutting or removal that will result in a
17 reduction in the rate of fire spread, fire duration and intensity, fuel
18 ignitability, or ignition of the tree crowns and shall be in
19 accordance with any regulations adopted by the board pursuant to
20 this section.

21 (B) Trees shall not be cut or removed pursuant to this
22 subdivision by the clearcutting regeneration method, by the seed
23 tree removal step of the seed tree regeneration method, or by the
24 shelterwood removal step of the shelterwood regeneration method.

25 (3) (A) Surface fuels, including logging slash and debris, low
26 brush, and deadwood, that could promote the spread of wildfire
27 shall be chipped, burned, or otherwise removed from all areas of
28 timber operations within 45 days from the date of commencement
29 of timber operations pursuant to this subdivision.

30 (B) (i) All surface fuels that are not chipped, burned, or
31 otherwise removed from all areas of timber operations within 45
32 days from the date of commencement of timber operations may
33 be determined to be a nuisance and subject to abatement by the
34 department or the city or county having jurisdiction.

35 (ii) The costs incurred by the department, city, or county, as the
36 case may be, to abate the nuisance upon a parcel of land subject
37 to the timber operations, including, but not limited to, investigation,
38 boundary determination, measurement, and other related costs,
39 may be recovered by special assessment and lien against the parcel
40 of land by the department, city, or county. The assessment may

1 be collected at the same time and in the same manner as ordinary
2 ad valorem taxes, and shall be subject to the same penalties and
3 the same procedure and sale in case of delinquency as is provided
4 for ad valorem taxes.

5 (4) All timber operations conducted pursuant to this subdivision
6 shall conform to applicable city or county general plans, city or
7 county implementing ordinances, and city or county zoning
8 ordinances. This paragraph does not authorize the cutting, removal,
9 or sale of timber or other solid wood forest products within an area
10 where timber harvesting is prohibited or otherwise restricted
11 pursuant to the rules or regulations adopted by the board.

12 (5) (A) The board shall adopt regulations, initially as emergency
13 regulations in accordance with subparagraph (B), that the board
14 considers necessary to implement and to obtain compliance with
15 this subdivision.

16 (B) The emergency regulations adopted pursuant to
17 subparagraph (A) shall be adopted in accordance with the
18 Administrative Procedure Act (Chapter 3.5 (commencing with
19 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
20 Code). The adoption of emergency regulations shall be deemed to
21 be an emergency and necessary for the immediate preservation of
22 the public peace, health, and safety, or general welfare.

23 (6) (A) Notwithstanding paragraph (1), the board may exempt
24 from this chapter, or portions of this chapter, a person engaged in
25 forest management whose activities are limited to the cutting or
26 removal of trees on the person's property in compliance with
27 Sections 4290 and 4291 that eliminates the vertical continuity of
28 vegetative fuels and the horizontal continuity of tree crowns for
29 the purpose of reducing flammable materials and maintaining a
30 fuel break for a distance of not more than 300 feet on each side
31 from an approved and legally permitted habitable structure, when
32 that cutting or removal is conducted in compliance with this
33 subdivision and all of the following conditions are met:

34 (i) The notice of exemption is prepared, signed, and submitted
35 by a registered professional forester to the department.

36 (ii) For the areas between 150 and 300 feet from the habitable
37 structure, the operations meet all of the following provisions:

38 (I) The residual stocking standards are consistent with Sections
39 913.2, 933.2, and 953.2 of Title 14 of the California Code of
40 Regulations, as appropriate.

1 (II) Activities within this area will increase the quadratic mean
2 diameter of the stand.

3 (III) The residual stand consists primarily of healthy and
4 vigorous dominant and codominant trees from the preharvest stand,
5 well distributed though the harvested area.

6 (IV) Postharvest slash treatment and stand conditions will lead
7 to more moderate fire behavior in the professional judgment of
8 the registered professional forester who submits the notice of
9 exemption.

10 (V) Any additional guidance for slash treatment and postharvest
11 stand conditions and any other issues deemed necessary that are
12 consistent with this section, as established by the board.

13 (B) For purposes of this paragraph, “habitable structure” means
14 a building that contains one or more dwelling units or that can be
15 occupied for residential use. Buildings occupied for residential
16 use include single family homes, multidwelling structures, mobile
17 and manufactured homes, and condominiums. For purposes of this
18 paragraph “habitable structure” does not include commercial,
19 industrial, or incidental buildings such as detached garages, barns,
20 outdoor sanitation facilities, and sheds.

21 (C) The department shall evaluate the effects of this paragraph
22 and shall report its recommendations, before the paragraph becomes
23 inoperative, to the Legislature based on that evaluation. The report
24 shall be submitted in compliance with Section 9795 of the
25 Government Code.

26 (D) The board shall adopt regulations to implement this
27 paragraph no later than January 1, 2016.

28 (E) This paragraph shall become inoperative three years after
29 the effective date of regulations adopted by the board pursuant to
30 subparagraph (D) but no later than January 1, 2019.

31 (j) (1) The harvesting of trees, limited to those trees that
32 eliminate the vertical continuity of vegetative fuels and the
33 horizontal continuity of tree crowns, for the purpose of reducing
34 the rate of fire spread, duration and intensity, fuel ignitability, or
35 ignition of tree crowns.

36 (2) The board may authorize an exemption pursuant to paragraph
37 (1) only if the tree harvesting will decrease fuel continuity and
38 increase the quadratic mean diameter of the stand, and the tree
39 harvesting area will not exceed 300 acres.

1 (3) Except as provided in paragraph (11), the notice of
2 exemption, which shall be known as the Forest Fire Prevention
3 Exemption, may be authorized only if all of the conditions specified
4 in paragraphs (4) to (10), inclusive, are met.

5 (4) A registered professional forester shall prepare the notice
6 of exemption and submit it to the director, and include a map of
7 the area of timber operations that complies with the requirements
8 of paragraphs (1), (3), (4), and (7) to (12), inclusive, of subdivision
9 (x) of Section 1034 of Title 14 of the California Code of
10 Regulations.

11 (5) (A) The registered professional forester who submits the
12 notice of exemption shall include a description of the preharvest
13 stand structure and a statement of the postharvest stand stocking
14 levels.

15 (B) The level of residual stocking shall be consistent with
16 maximum sustained production of high-quality timber products.
17 The residual stand shall consist primarily of healthy and vigorous
18 dominant and codominant trees from the preharvest stand. Stocking
19 shall not be reduced below the standards required by any of the
20 following provisions that apply to the exemption at issue:

21 (i) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
22 (1) of subdivision (a) of Section 913.3 of Title 14 of the California
23 Code of Regulations.

24 (ii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
25 (1) of subdivision (a) of Section 933.3 of Title 14 of the California
26 Code of Regulations.

27 (iii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
28 (1) of subdivision (a) of Section 953.3 of Title 14 of the California
29 Code of Regulations.

30 (C) If the preharvest dominant and codominant crown canopy
31 is occupied by trees less than 14 inches in diameter at breast height,
32 a minimum of 100 trees over four inches in diameter at breast
33 height shall be retained per acre for Site I, II, and III lands, and a
34 minimum of 75 trees over four inches in diameter at breast height
35 shall be retained per acre for Site IV and V lands.

36 (6) (A) The registered professional forester who submits the
37 notice shall include selection criteria for the trees to be harvested
38 or the trees to be retained. In the development of fuel reduction
39 prescriptions, the registered professional forester should consider
40 retaining habitat elements, where feasible, including, but not

1 limited to, ground level cover necessary for the long-term
2 management of local wildlife populations.

3 (B) All trees that are harvested or all trees that are retained shall
4 be marked or sample marked ~~by~~ *by*, or under the supervision ~~of~~
5 *of*, a registered professional forester before felling operations begin.
6 The board shall adopt regulations for sample marking for this
7 section in Title 14 of the California Code of Regulations. Sample
8 marking shall be limited to homogenous forest stand conditions
9 typical of plantations.

10 (7) (A) The registered professional forester submitting the
11 notice, upon submission of the notice, shall provide a confidential
12 archaeology letter that includes all the information required by
13 any of the following provisions that apply to the exemption at
14 issue:

15 (i) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
16 of Section 929.1 of Title 14 of the California Code of Regulations,
17 and include site records if required pursuant to subdivision (g) of
18 that section or pursuant to Section 929.5 of Title 14 of the
19 California Code of Regulations.

20 (ii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
21 of Section 949.1 of Title 14 of the California Code of Regulations,
22 and include site records if required pursuant to subdivision (g) of
23 that section or pursuant to Section 949.5 of Title 14 of the
24 California Code of Regulations.

25 (iii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
26 of Section 969.1 of Title 14 of the California Code of Regulations,
27 and include site records if required pursuant to subdivision (g) of
28 that section or pursuant to Section 969.5 of Title 14 of the
29 California Code of Regulations.

30 (B) The director shall submit a complete copy of the confidential
31 archaeological letter and two copies of all required archaeological
32 or historical site records to the appropriate Information Center of
33 the California Historical Resource Information System within 30
34 days from the date of notice submittal to the director. Before
35 submitting the notice to the director, the registered professional
36 forester shall send a copy of the notice to Native Americans, as
37 defined in Section 895.1 of Title 14 of the California Code of
38 Regulations.

39 (8) Only trees less than 18 inches in stump diameter, measured
40 at eight inches above ground level, may be removed. However,

1 within 500 feet of a legally permitted structure, or in an area
2 prioritized as a shaded fuel break in a community wildfire
3 protection plan approved by a public fire agency, if the goal of
4 fuel reduction cannot be achieved by removing trees less than 18
5 inches in stump diameter, trees less than 24 inches in stump
6 diameter may be removed if that removal complies with this section
7 and is necessary to achieve the goal of fuel reduction. A fuel
8 reduction effort shall not violate the canopy closure regulations
9 adopted by the board on June 10, 2004, and as those regulations
10 may be amended.

11 (9) (A) This subparagraph applies to areas within 500 feet of
12 a legally permitted structure and in areas prioritized as a shaded
13 fuel break in a community wildfire protection plan approved by a
14 public fire agency. The board shall adopt regulations for the
15 treatment of surface and ladder fuels in the harvest area, including
16 logging slash and debris, low brush, small trees, and deadwood,
17 that could promote the spread of wildfire. The regulations adopted
18 by the board shall be consistent with the standards in the board's
19 "General Guidelines for Creating Defensible Space" described in
20 Section 1299.03 of Title 14 of the California Code of Regulations.
21 Postharvest standards shall include vertical spacing between fuels,
22 horizontal spacing between fuels, maximum depth of dead ground
23 surface fuels, and treatment of standing dead fuels, as follows:

24 (i) Ladder and surface fuels shall be spaced to achieve a vertical
25 clearance distance of eight feet or three times the height of the
26 postharvest fuels, whichever is the greater distance, measured from
27 the base of the live crown of the postharvest dominant and
28 codominant trees to the top of the surface fuels.

29 (ii) Horizontal spacing shall achieve a minimum separation of
30 two to six times the height of the postharvest fuels, increasing
31 spacing with increasing slope, measured from the outside branch
32 edges of the fuels.

33 (iii) Dead surface fuel depth shall be less than nine inches.

34 (iv) Standing dead or dying trees and brush generally shall be
35 removed. That material, along with live vegetation associated with
36 the dead vegetation, may be retained for wildlife habitat when
37 isolated from other vegetation.

38 (B) This subparagraph applies to all areas not described in
39 subparagraph (A).

1 (i) The postharvest stand shall not contain more than 200 trees
2 over three inches in diameter per acre.

3 (ii) Vertical spacing shall be achieved by treating dead fuels to
4 a minimum clearance distance of eight feet measured from the
5 base of the live crown of the postharvest dominant and codominant
6 trees to the top of the dead surface fuels.

7 (iii) All logging slash created by the timber operations shall be
8 treated to achieve a maximum postharvest depth of nine inches
9 above the ground.

10 (C) The standards required by subparagraphs (A) and (B) shall
11 be achieved on approximately 80 percent of the treated area. The
12 treatment shall include chipping, removing, or other methods
13 necessary to achieve the standards. Ladder and surface fuel
14 treatments, for any portion of the exemption area where timber
15 operations have occurred, shall be done within 120 days from the
16 start of timber operations on that portion of the exemption area or
17 by April 1 of the year following surface fuel creation on that
18 portion of the exemption area if the surface fuels are burned.

19 (10) Timber operations shall comply with the requirements of
20 paragraphs (1) to (10), inclusive, of subdivision (b) of Section
21 1038 of Title 14 of the California Code of Regulations. Timber
22 operations in the Lake Tahoe region shall comply instead with the
23 requirements of paragraphs (1) to (16), inclusive, of subdivision
24 (f) of Section 1038 of Title 14 of the California Code of
25 Regulations.

26 (11) A notice of exemption, which shall be known as the Forest
27 Fire Prevention Pilot Project Exemption, may be authorized if all
28 of the following conditions are met:

29 (A) The conditions specified in paragraphs (2), (4), (6), (7), and
30 (10) are met.

31 (B) Only trees less than 24 inches in stump diameter, measured
32 at eight inches above ground level, may be removed. A fuel
33 reduction effort shall not violate the canopy closure regulations
34 adopted by the board on June 10, 2004, and as those regulations
35 may be amended.

36 (C) (i) The registered professional forester who submits the
37 notice of exemption shall include a description of the preharvest
38 stand structure and a statement of the postharvest stand stocking
39 levels.

(ii) The level of residual stocking shall be consistent with maximum sustained production of high-quality timber products. The residual stand shall consist primarily of healthy and vigorous dominant and codominant trees from the preharvest stand. Where present prior to operations, the overstory canopy closure for trees greater than 12 inches in diameter at breast height shall not be reduced below 50 percent. Stocking shall be met with the largest trees available prior to harvest and shall not be reduced below the standards required by any of the following provisions that apply to the exemption at issue:

(I) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph (1) of subdivision (a) of Section 913.3 of Title 14 of the California Code of Regulations.

(II) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph (1) of subdivision (a) of Section 933.3 of Title 14 of the California Code of Regulations.

(III) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph (1) of subdivision (a) of Section 953.3 of Title 14 of the California Code of Regulations.

(iii) If the preharvest dominant and codominant crown canopy is occupied by trees less than 14 inches in diameter at breast height, a minimum of 100 trees over four inches in diameter at breast height shall be retained per acre for Site I, II, and III lands, and a minimum of 75 trees over four inches in diameter at breast height shall be retained per acre for Site IV and V lands. The retained trees shall be the largest trees available prior to harvest.

(D) The activities conducted pursuant to this paragraph occur in the Sierra Nevada Region as defined in subdivision (f) of Section 33302, in Modoc, Siskiyou, or Trinity Counties, or in any combination of these areas.

(E) All activities conducted pursuant to this paragraph occur within the most recent version of the department's Fire Hazard Severity Zone Map in the moderate, high, and very high fire threat zones.

(F) The department shall maintain records regarding the use of the exemption granted in this paragraph in order to evaluate the impact of the exemption on fuel reduction and natural resources in areas where the exemption has been used.

1 (G) This paragraph shall become inoperative three years after
2 the effective date of regulations adopted by the board implementing
3 this paragraph.

4 (12) After the timber operations are complete, the department
5 shall conduct an onsite inspection to determine compliance with
6 this subdivision and whether appropriate enforcement action should
7 be initiated.

8 (k) The cutting or removal of trees, including through
9 commercial harvest, to restore and conserve California black or
10 Oregon white oak woodlands and associated grasslands, if all of
11 the following requirements are met:

12 (1) A registered professional forester shall prepare the notice
13 of exemption and submit it to the director. The notice shall include
14 all of the following:

15 (A) A map of the area of timber operations that complies with
16 the requirements of paragraphs (1), (3), (4), and (7) to (11),
17 inclusive, of subdivision (x) of Section 1034 of Title 14 of the
18 California Code of Regulations.

19 (B) A certification signed by the registered professional forester
20 that *a minimum of 35 square feet of basal area per acre of*
21 *California black or Oregon white oak, or both, occupy the*
22 *proposed treatment area at the time the notice is prepared and the*
23 *timber operation is designed to restore and conserve California*
24 *black and Oregon white oak woodlands and associated grasslands.*

25 (C) A description of the preharvest stand structure and a
26 statement of the postharvest stand stocking levels.

27 (2) No tree ~~75 years of age or older~~ *larger than 26 inches in*
28 *diameter at stump height* shall be harvested for commercial
29 purposes, which includes use for saw logs, posts and poles, fuel
30 wood, biomass, or other forest products.

31 (3) *Only conifers within 300 feet of a California black or Oregon*
32 *white oak that are at minimum four inches in diameter at breast*
33 *height may be harvested.*

34 (4) *The total area exempted pursuant to this subdivision shall*
35 *not exceed 300 acres per property per five-year period.*

36 ~~(3)~~

37 (5) Conifer shall be reduced to less than 25 percent of the
38 combined hardwood and conifer postharvest stand stocking levels.

39 ~~(4)~~

1 (6) No more than 20 percent of the total basal area of
2 preexisting oak stock shall be cut or removed during harvest.
3 *harvest and a minimum of 35 square feet of basal area per acre*
4 *of California black or Oregon white oak, or both, shall be*
5 *maintained postharvest.*

6 ~~(5)~~

7 (7) The registered professional forester submitting the notice,
8 upon submission of the notice, shall provide a confidential
9 archaeology letter that includes all the information required by
10 paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of
11 Section 929.1 of Title 14 of the California Code of Regulations,
12 and site records if required pursuant to subdivision (g) of that
13 section or pursuant to Section 929.5 of Title 14 of the California
14 Code of Regulations.

15 ~~(6)~~

16 (8) All slash created by the timber operations shall be treated
17 to achieve a maximum postharvest depth of 18 inches above the
18 ground within 24 months of the date of the director receiving the
19 notice. Slash shall be configured so as to minimize the risk of fire
20 mortality to the remaining oak trees.

21 ~~(7)~~

22 (9) Timber operations shall comply with the requirements of
23 paragraphs (1) to (10), inclusive, of subdivision (b) of Section
24 1038 of Title 14 of the California Code of Regulations.

25 ~~(8)~~

26 (10) On or before January 1, 2018, the board shall adopt
27 regulations to implement this subdivision.

28 ~~(9)~~

29 (11) This subdivision shall not apply to the Southern Subdistrict
30 of the Coast Forest District, as defined in Section 895.1 of Title
31 14 of the California Code of Regulations, or the Southern Forest
32 District, as defined in Section 909 of Title 14 of the California
33 Code of Regulations.

34 (12) *Within six years after the effective date of the regulations*
35 *adopted by the board pursuant to paragraph (10), the department*
36 *shall evaluate the effects of this subdivision and make*
37 *recommendations based on that evaluation to the Legislature in*
38 *a report submitted pursuant to Section 9795 of the Government*
39 *Code.*

40 ~~(10)~~

1 (13) This subdivision shall become inoperative seven years after
2 the effective date of the regulations adopted by the board pursuant
3 to paragraph (8). (10).

4 SEC. 2. Section 4621 of the Public Resources Code is amended
5 to read:

6 4621. (a) A person who owns timberlands that are to be
7 devoted to uses other than the growing of timber shall file an
8 application for conversion with the board. The board shall, by
9 regulation, prescribe the procedures for, and the form and content
10 of, the application. An application for a timberland conversion
11 permit shall be accompanied by an application fee, payable to the
12 department, in an amount determined by the board pursuant to
13 subdivision (b).

14 (b) The board shall establish, by regulation, a system of
15 graduated timberland conversion permit fees to finance the cost
16 of administering this article.

17 (c) For purposes of this section, “growing of timber” shall
18 include restoration and conservation forest management activities,
19 which may include the removal of commercial species, if necessary
20 to achieve specific forest health and ecological goals, including
21 the restoration and conservation of oak woodlands, grasslands,
22 wet meadows, and other ecologically important or unique habitats,
23 that are not conducted in conjunction with the cutting or removal
24 of trees or other forest products during the conversion of
25 timberlands for other uses, including, but not limited to, residential
26 or commercial developments, production of other agricultural
27 crops, recreational developments, ski developments, water
28 development projects, and transportation projects.